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Tucson, Arizona 85701-1429
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Ursula Kramer Nelson, P.E.
Director

(520) 724-7400
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March 02, 2021

Tucson Iron & Metal
Attn: Gary Kippur, President
PO Box 28898
Tucson, AZ 85726-8898

CERTIFIED MAIL
Return Receipt Requested

NOTICE OF VIOLATION # 127-0017R

The Pima County Department of Environmental Quality (PDEQ) has reason to believe Tucson Iron and Metal, a division of Kippur Corporation, has violated requirements of Title 40 of the Code of Federal Regulations, PDEQ Air Quality Permit #127, and Title 17 of the Pima County Code (PCC).

I. ALLEGED VIOLATIONS – APPEALABLE AGENCY ACTIONS

FINDINGS OF FACT

Alleged Violation #1

Per PCC 17.12.040.A.2 and 40 CFR 60.2915, 40 CFR 60.2918, Section 3.51.b, and Section 3.51.e respectively (Emission Limitations, Standards and Operating Limits) of Pima County Department of Environmental Quality Air Quality Permit # 127;

40 CFR 60.2915

You must meet the emission limitations specified in table 1 of this subpart 60 days after your OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

40 CFR 60.2918

The emission limitations and operating limits apply at all times except during OSWI unit startups, shutdowns, or malfunctions.

Section 3.51.b

The Permittee shall operate and maintain the OSWI in accordance with the approved operation and maintenance plan in Attachment 4 of this permit.

Section 3.51.e

The Permittee must meet the emission limitations specified in Table 1, as stated below, 60 days after the OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

Findings

Tucson Iron and Metal submitted their Semi-Annual Report and 2020 Title V Annual Compliance Certification to PDEQ dated February 1st, 2021 for the Other Solid Waste Incinerator (OSWI) unit at the facility located at 4484 E. Tennessee Street, Tucson, Arizona. Review of the report and the Carbon Monoxide (CO) data (reported after the Relative Accuracy Test Audit (RATA), which passed on September 9-10, 2020) shows the 12-hour rolling average of CO at 7% O₂ to exceed the NSPS Subpart EEEE emission limitation of 40 PPM at 7% O₂ more than half of the incinerator events. The CO @ 7% O₂ was in excess of 40 PPM at 7% O₂ 35 out of 42 incineration hours from September 16, 2020 through December 9, 2020. These hours do not include periods of startup, shutdown, or malfunctions. The highest CO value was 566.2 PPM on October 27, 2020. Attachment 1 pages 36-38 include the submitted CO @ 7% O₂ 12-hour rolling averages from September 2020 through December 2020.

Requested Corrective Actions

Operate the OSWI to emission limitations under NSPS subpart EEEE at all times except during startup, shutdown, and malfunction.

Alleged Violation #2

Per Pima County Code 17.12.170 and General Conditions 11.a of Pima County Department of Environmental Quality Air Quality Permit # 127;

Pima County Code 17.12.170 and General Conditions 11.a

A. The owner or operator of any source shall report to the control officer any emissions in excess of the limits established by this chapter or the applicable permit. The report shall be in two parts as specified below:

1. Notification by telephone or facsimile within twenty-four hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection B.

2. Detailed written notification by submission of an excess emissions report within seventy-two hours of the notification under subsection (A)(1).

B. The excess emissions report shall contain the following information:

- 1. The identity of each stack or other emission point where the excess emissions occurred;*
- 2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;*
- 3. The time and duration or expected duration of the excess emissions;*
- 4. The identity of the equipment from which the excess emissions emanated;*
- 5. The nature and cause of the emissions;*

6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;
 7. The steps that were or are being taken to limit the excess emissions; and
 8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.
- C. In the case of continuous or recurring excess emissions, the notification requirements of this section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections A and B.

Findings

Tucson Iron and Metal submitted their Semi-Annual Report and 2020 Title V Annual Compliance Certification to PDEQ dated February 1st, 2021 for the Other Solid Waste Incinerator (OSWI) unit at the facility located at 4484 E. Tennessee Street, Tucson, Arizona. Review of the report and the Carbon Monoxide (CO) data (reported after the Relative Accuracy Test Audit (RATA), which passed on September 9-10, 2020) shows the 12-hour rolling average of CO at 7% O₂ to exceed the NSPS Subpart EEEE emission limitation of 40 PPM at 7% O₂ more than half of the incinerator events. The CO @ 7% O₂ was in excess of 40 PPM at 7% O₂ 35 out of 42 incineration hours from September 16, 2020 through December 9, 2020. These hours do not include periods of startup, shutdown, or malfunctions. The highest CO value was 566.2 PPM on October 27, 2020. Attachment 1 pages 36-38 include the submitted CO @ 7% O₂ 12-hour rolling averages from September 2020 through December 2020. Tucson Iron and Metal failed to report the excess emission incineration events to Pima County Department of Environmental Quality. Excess emissions must be reported to PDEQ within 24 hours of the excess emission via phone or email and a detailed report must be submitted to PDEQ within 72 hours of the notification.

Requested Corrective Actions

Provide a detailed written report and corrective actions to correct the excess emission and prevent it from occurring in the future. The report shall contain the location of the emission point; the magnitude of the emission; the date, time, and duration of excess emission; identify the equipment the emission emanated from; the nature and cause of the emissions, and the steps that were taken or are being taken to limit the excess emissions.

Alleged Violation #3

Per Pima County Code 17.12.040.A.5, 17.12.080.A.2 and General Conditions 7 of Pima County Department of Environmental Quality Air Quality Permit # 127;

Pima County Code 17.12.040.A.5, 17.12.080.A.2, and General Conditions 7

Compliance Certification:

The Permittee shall submit a compliance certification to the Control Officer that describes the compliance status of the source with respect to each permit condition. Certifications shall be submitted on the dates and frequency specified in condition 83.c of this permit.

a. The compliance certification shall include the following:

i. Identification of each term or condition contained in the permit including emission limitations, standards, or work practices that are the basis of the certification;

ii. Identification of the method(s) or other means used by the Permittee for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under PCC 17.12.040(A)(3), (monitoring including the related recordkeeping and reporting sections of this permit. If necessary, the Permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information;

iii. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in condition 7.a.ii above. The certification shall identify each deviation and take it into account for consideration in the compliance certification;

iv. For emission units subject to 40 CFR Part 64, the certification shall also identify as possible exceptions to compliance any period during which compliance is required and in which an excursion or exceedance defined under 40 CFR Part 64 occurred;

v. All instances of deviations from permit requirements reported in accordance with condition 11.b as well as progress reports on all outstanding compliance schedules submitted pursuant to PCC 17.12.080; and

vi. Other facts the Control Officer may require to determine the compliance status of the facility.

Findings

Tucson Iron and Metal submitted their Semi-Annual Report and 2020 Title V Annual Compliance Certification to PDEQ dated February 1st, 2021 for the Other Solid Waste Incinerator (OSWI) unit at the facility located at 4484 E. Tennessee Street, Tucson, Arizona. Upon review of the report it was determined that the criteria that are required in the general provisions of the Air Quality Permit under Section 7 were not being met. The permittee is required to submit a continuous or intermittent status for each permit condition in the permit along with reasons why each item is or isn't in compliance for the reporting period. Additional items that are required to be submitted in the annual report are outlined in Section 7 of the permit.

Requested Corrective Actions

Submit the Annual Compliance Certification for Air Quality Permit #127 in accordance

with General Condition #7 of the permit.

II. CITATION OF AUTHORITY

Arizona Revised Statutes § 49-513

Pima County Code § 17.28.070

III. REQUESTED COMPLIANCE DOCUMENTATION

Tucson Iron & Metal shall submit a written response to PDEQ within **seven (7)** calendar days of receipt of this notice. The response shall include:

- A thorough explanation of those actions that led to the violation
- Planned corrective actions and timeframe to be taken to meet compliance
- Proposed corrective actions to prevent future violations

The above documentation shall be deemed "submitted" when received by PDEQ at the following address:

Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701-1429
Attn: Jackie Ronstadt

Or via email:

Air.Notices@pima.gov with Subject: NOV # 127-0017R

IV. STATEMENT OF CONSEQUENCES

Failure to achieve compliance or enter into a Consent Order will result in PDEQ initiating a unilateral enforcement action. Achieving compliance does not preclude PDEQ from seeking civil penalties. A unilateral enforcement action may result in a civil penalty. A civil penalty may be imposed for each violation for the entire non-compliance period.

PDEQ believes the alleged violations identified in the Notice of Violation (NOV) are significant and advises you they may be used to determine a pattern of non-compliance or used to determine civil penalties pursuant to A.R.S. § 49-513. As such, PDEQ believes that NOV violations are appealable agency actions as defined in A.R.S. § 49-471(4).

A person whose legal rights, duties or privileges were determined by an appealable agency action or who will be adversely affected by an appealable agency action and who exercised any right to comment on the action provided by law, rule or ordinance may appeal the action to the air pollution hearing board established pursuant to A.R.S. § 49-478.

V. ADMINISTRATIVE INFORMATION

OFFER TO MEET

PDEQ personnel are willing to schedule a meeting to discuss the NOV and corrective actions. If you would like to meet, please contact me at (520) 724-7400. Before meeting, please submit the following:

- An agenda that specifies the objectives you wish to discuss.
- The names and affiliations of the participants that will be accompanying you.

COMPLIANCE ASSISTANCE

PDEQ personnel are also willing to help you achieve and maintain compliance. If you need assistance complying with the regulations, please contact our department at (520) 724-7400.

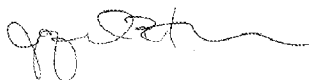
NOTICE OF NON-DISCRIMINATION

The Pima County Department of Environmental Quality does not discriminate on the basis of race, color, national origin, sex, disability religion, or age in its programs or activities in accordance with applicable laws and regulations. Further, any person who is in need of special services (e.g., written material in large type, signer for the hearing impaired, or for free assistance in Spanish), please contact PDEQ's Environmental Justice Liaison, Jessica Surridge, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, Phone (520) 724-7331, email jessica.surridge@pima.gov.

AVISO DE NO DISCRIMINACIÓN

El Departamento del Condado de Pima de Calidad Ambiental no discrimina en base de la raza, el color, el origen nacional, el sexo, la religión, discapacidad, o la edad en sus programas o actividades de acuerdo con leyes y regulaciones aplicables. Además, cualquier persona que esté necesitando los servicios especiales (e.g., material escrito en letra grande, intérpretes de lenguaje con señas, o para obtener asistencia gratuita en español), por favor contacte Jessica Surridge la Enlace de Justicia Ambiental del Departamento Calidad Ambiental del Condado de Pima, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, teléfono (520) 724-7331, email jessica.surridge@pima.gov.

Sincerely,



Jackie Ronstadt
Air Compliance Manager

cc: Gary Kippur, President, Tucson Iron and Metal gary@tucsoniron.net
PDEQ File #: 127-0017R, 127-0023R